

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

Jacob Shemper,
Plaintiff,

v.

BP, PLC, et al.

Defendants.

*
*
*
*
*
*
*

2:10CV138-KS-MTP

**MOTION OF DEFENDANT CAMERON INTERNATIONAL
CORPORATION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and the Oil Pollution Act of 1990, 33 U.S.C. § 2701 et seq. (“OPA”), Defendant Cameron International Corporation (“Cameron”) moves for an order dismissing Plaintiff’s Class Action Complaint in this case (hereafter “Complaint”) for failure to state a claim upon which relief can be granted against Cameron, for two independent reasons. [Doc. 1.] First, the claims asserted against Cameron in the Complaint should be dismissed without prejudice because they are not permitted by the comprehensive and exclusive claims payment system established by the OPA. Second, the claims asserted against Cameron in the Complaint should be dismissed with prejudice because under the “economic loss” doctrine applicable to this case, the allegations of the Complaint fail to state a claim upon which relief may be granted against Cameron.

The grounds for this motion are set out in detail in the accompanying supporting brief.

WHEREFORE, Defendant Cameron International Corporation respectfully prays for an order dismissing Plaintiff’s Complaint in this action.

Respectfully submitted this the 20th day of July, 2010.

CAMERON INTERNATIONAL CORPORATION

by: s/ Robert C. Galloway
Robert C. Galloway

ROBERT C. GALLOWAY, MB No. 4388
BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC
P. O. Drawer 4248
Gulfport, MS 39502
Telephone: (228) 864-1170
Fax: (228)868-1531
E-mail: bob.galloway@butlersnow.com

CERTIFICATE OF SERVICE

I, Robert C. Galloway, one of the attorneys for Cameron International Corporation, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via e-mail:

Michael Jacob Shemper, Esq.
Michael J. Shemper, PLLC
P. O. Box 1727
Hattiesburg, MS 39403-1727
Counsel for Plaintiff

Joseph F. Rice, Esq.
Kevin R. Dean, Esq.
Ronald L. Motley, Esq.
Motley Rice, LLC
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
Pro Hac Vice Counsel for Plaintiff

Jason D. Watkins, Esq.
Forman, Perry, Watkins
Krutz & Tardy, LLP
P. O. Box 22608
Jackson, MS 39225-2608
**Counsel for BP America, Inc.; BP Products North America, Inc.;
BP America Production Company; BP Exploration & Production, Inc.**

W. Wayne Drinkwater, Jr., Esq.
Jack L. Wilson, Esq.
Bradley Arant Boult Cummings, LLP
P. O. Box 1789
Jackson, MS 39215-1789
Counsel for Anadarko Petroleum Corporation; MOEX Offshore 2007, LLC

Richard P. Salloum, Esq.
Franke & Salloum, PLLC
P. O. Drawer 460
Gulfport, MS 39502
**Counsel for Transocean Deepwater, Inc.; Transocean Holdings, LLC
Transocean Offshore Deepwater Drilling, Inc.; Triton Asset Leasing, GmbH**

David W. Stewart, Esq.
Copeland, Cook, Taylor & Bush, PA
P. O. Box 10
Gulfport, MS 39502-0010
Counsel for Halliburton Energy Services, Inc.

Charles Greg Copeland, Esq.
Copeland, Cook, Taylor & Bush, PA
P. O. Box 6020
Ridgeland, MS 39158-6020
Counsel for Halliburton Energy Services, Inc.

Donald E. Godwin, Esq.
Bruce W. Bowman, Jr., Esq.
Jenny L. Martinez, Esq.
Godwin Ronquillo, PC
1201 Elm, Suite 1700
Dallas, TX 75270
Pro Hac Vice Counsel for Halliburton Energy Services, Inc.

R. Alan York, Esq.
Godwin Ronquillo, PC
1331 Lamar, Suite 1665
Houston, TX 77010
Pro Hac Vice Counsel for Halliburton Energy Services, Inc.

G. Todd Burwell, Esq.
G. Todd Burwell, PA
618 Crescent Blvd., Ste. 200
Ridgeland, MS 39157
Counsel for M-I, LLC

This the 20th day of July, 2010.

s/ Robert C. Galloway
Robert C. Galloway

Gulfport 464600